

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
BECKLEY DIVISION

KENNETH COZART, in his own right
and on behalf of others similarly situated,

Plaintiff,

v.

Case No.: 5:18-cv-00397
Honorable Judge Irene C. Berger

BLUESTONE INDUSTRIES, INC. and
JILLEAN L. JUSTICE, JAMES C. JUSTICE, III
JAMES T. MILLER, individually,

Defendants.

PLAINTIFF'S OMNIBUS MOTIONS IN LIMINE

On June 21, 2019, comes the Plaintiff by counsel and moves the Court in limine to exclude any testimony, evidence or reference to the facts and circumstances that surround the following:

1. That the Defendant be precluded from producing any expert testimony or opinions at trial from any expert who has not been identified, or his opinions disclosed, pursuant to the Plaintiff's Interrogatory request to the Defendant for the same, pursuant to Rule 26 of the Federal Rules of Civil Procedure.
2. That the Defendant be precluded from arguing to the jury about a litigation crisis, or that cases such as the Plaintiff's is the reason why the courts are clogged or causing problems with the court system or other tort reform argument.
3. That the Plaintiff has had unrelated, prior or subsequent other claims, suits or settlements of the amounts thereof.
4. That the Defendant not mention or state to the jury the probable testimony of a witness who is absent, unavailable or not to testify in this cause.

5. That no evidence be offered in contradiction to anything admitted by judicial admission.

6. That no admission or reference be made to a compromise or offer to compromise. Such evidence is not admissible unless the door is opened.

WHEREFORE, the Plaintiff moves that the Defendant not be allowed to make any comment regarding the above matters.

KENNETH COZART
By Counsel

s/ Anthony J. Majestro
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CERTIFICATE OF SERVICE

I, the undersigned counsel for Plaintiff, does hereby certify that the foregoing
Plaintiff's Omnibus Motions in Limine has been filed with the Court on this 21 day of
June, 2019, using the CM/ECF system.

s/ Anthony J. Majestro
Anthony J. Majestro (WVSB 5165)
Counsel for Plaintiff